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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
HELENA DIVISION**

THE STATE OF MONTANA, EX.  
REL., AUSTIN KNUDSEN,  
ATTORNEY GENERAL,

*Plaintiff,*

v.

ELI LILLY AND COMPANY, et al.,

*Defendants.*

Case No. 6:22-cv-00087-BMM

Hon. Brian Morris

**PBM DEFENDANTS' MOTION TO DISMISS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants Evernorth Health, Inc., Express Scripts, Inc., Express Scripts Administrators, LLC, ESI Mail Pharmacy Service, Inc., Express Scripts Pharmacy, Inc., and Medco Health Solutions, Inc. (together, “Express Scripts”); CVS Health Corporation, CVS Pharmacy, Inc., Caremark Rx, LLC, Caremark PCS Health, LLC, and Caremark, LLC (together, “CVS Caremark”); and UnitedHealth Group Incorporated, OptumRx Inc., and OptumInsight, Inc. (together, “OptumRx”),<sup>1</sup> by and through their respective undersigned counsel, move to dismiss Plaintiff’s Amended Complaint on the grounds that Plaintiff fails to state a claim upon which relief can be granted.

**WHEREFORE**, for the reasons provided in the accompanying brief, including the exhibit attached thereto, the PBM Defendants respectfully request that this Court dismiss Plaintiff’s First Amended Complaint with prejudice.

Dated: February 23, 2023

Respectfully submitted,

s/ Chad E. Adams

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<sup>1</sup> Consistent with the First Amended Complaint, the brief refers to those entities as the “PBM Defendants,” even though certain of those entities are not PBMs.

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